

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MedArbor, LLC,**

**Plaintiff,**

**v.**

**Case No. 2:18-cv-1249**

**Ohio River Laboratory/iPath, LLC, *et al.*,**

**Judge Michael H. Watson**

**Defendants.**

**Magistrate Judge Vascura**

**ORDER**

Magistrate Judge Vascura issued a Report and Recommendation (“R&R”) on September 11, 2019, recommending the Court direct the Clerk of Court to enter default against Defendant Mustapha Moulad Chikh (“Chikh”) as a sanction for disobeying several Court Orders and failing to appear for a Preliminary Pretrial Conference. R&R 2, ECF No. 46.

The R&R advised the parties of their right to object to the same and of the consequences of failing to do so. *Id.* at 3. No timely objections were filed. Chikh, however, filed an untimely objection to the R&R. Obj., ECF No. 47.

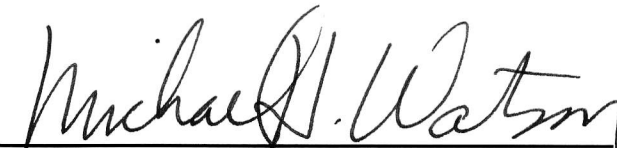
In his objection, Chikh states that he denies the jurisdictional, venue, and substantive allegations in Plaintiff’s complaint. He further asserts that he has contacted over twenty attorneys and cannot find an attorney to represent him. He asks the Court not to order the Clerk to enter default against him and asks for additional time to seek representation.

Chikh's objection is not well taken. First, before he withdrew as Chikh's attorney, attorney Patrick Quinn filed an Answer on Chikh's behalf. Answer, ECF No. 25. That Answer failed to contest personal jurisdiction or venue. *See id.* Those defenses are therefore waived. Fed. R. Civ. P. 12(h)(1).

Additionally, Chikh's objection to the R&R did not address the fact that he failed to comply with his obligations under Federal Rules of Civil Procedure 26(f) and 30, failed to appear for the preliminary pretrial conference, and failed to respond to the Magistrate Judge's Show Cause Order. Further, the Court notes that Chikh's attorney, in moving to withdraw, cited a "near total lack of communication by the Defendants with counsel, a failure of Defendants to produce necessary documents to counsel, a failure to comply with the attorney-client agreement, and a failure to follow counsel's advice." Mot. Withdraw, ECF No. 24. Chikh's representation that his failure to defend this case is due to a lack of counsel is, therefore, not persuasive.

The Court will not entertain any further dilatory tactics by Chikh. The Court **ADOPTS** the R&R, ECF No. 46, and **DIRECTS** the Clerk to enter default against Defendant Mustapha Moulad Chikh.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**